

# ANDREWS & BEARD

LAW OFFICES

DAVID P. ANDREWS  
CARL P. BEARD  
ROBERTA BINDER HEATH

PATRICK J. FANELLI  
AIMER L. WILLETT

ROBERTA BINDER HEATH

January 18, 2006

DIRECT DIAL: 814.940.8670  
FAX: 814.943.0856  
rbheath@andrewsbeard.com

Caleb L. Nichols, Esquire  
Case 05-cv-00126-SJM Document 32-3 Filed 03/10/2006 Page 1 of 7  
P.O. Box 1585  
Erie, PA 16507

Re: de Leon v. Crawford Central School District, et al.  
United States District Court for the Western District Court of Pennsylvania  
No. 05-126E

Dear Mr. Nichols:

Enclosed please find new HIPAA Releases for the following providers:

1. Dr. Michael Mercatoris, Ph.D. & Associates, P.C.
2. Saint Vincent Institute
3. Lake Erie Women's Center
4. Edinboro Medical Center

Please be advised that the HIPAA Release you provided was deemed to be deficient by the health care providers contacted. First of all, you included three (3) health care providers and the permission to obtain records from same on one (1) release. Secondly, no dates were provided. Thirdly, you permitted records to be released concerning diagnoses of mental health conditions only, which the health care providers have interpreted as not allowing them permission to release the underlying records themselves. Consequently, please resubmit the four (4) releases I have forwarded to your attention as soon as possible. If you do not return them within one (1) week, I will be forced to go before Judge McLaughlin again.

Very truly yours,



Roberta Binder Heath

RBH/pk  
Enclosures  
xc: Michael Dolecki, Supt.(w/o encls.)  
Lori Metka, School Claims Services (w/o encls.)

EXHIBIT

A

3366 LYNNWOOD DRIVE PO Box 1311 Allentown PA 18111 814.943.3304 FAX 814.943.3430

OFFICES

PA

# ANDREWS & BEARD

LAW OFFICES

DAVID P. ANDREWS  
CARL P. BEARD  
ROBERTA BINDER HEATH

PATRICK J. FANELLI  
AIMEE L. WILLETT

ROBERTA BINDER HEATH

DIRECT DIAL: 814.940.8670  
FAX: 814.943.0856  
rbheath@andrewsbeard.com

January 27, 2006

Case 1:05-cv-00126-SJM Document 32-3 Filed 03/10/2006 Page 2 of 7

M. Mercatoris, Ph.D. & Associates, P.C.  
462 Chestnut  
Meadville, PA 16335

In Re: Claudette deLeon vs. Crawford Central School District  
SSN: 201-56-6669  
D.O.B.: 07/03/53

To Whom It May Concern:

Please be advised that the undersigned represents the Defendant, Crawford Central School District, in the above-referenced matter. It is my understanding that the Plaintiff, Claudette deLeon, has treated at your office. I have enclosed a HIPAA release form executed by Ms. deLeon authorizing my firm to obtain any and all medical records relative to her care and treatment at your facility. Kindly forward copies of any and all medical records you have in this regard. I would ask that you provide these records as soon as possible given that litigation is pending in this case.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

  
Roberta Binder Heath

RBH/pk  
Enclosure  
xc: Caleb Nichols, Esq. (w/o enc.)

[www.andrewsbeard.com](http://www.andrewsbeard.com)

3366 LYNNWOOD DRIVE PO Box 1311 ALTOONA, PENNSYLVANIA 16603-1311 814.943.3304 FAX 814.943.3430  
OFFICES ALSO LOCATED IN JOHNSTOWN, PA

# ANDREWS & BEARD

LAW OFFICES

DAVID P. ANDREWS  
CARL P. BEARD  
ROBERTA BINDER HEATH

PATRICK J. FANELLI  
AIMEE L. WILLETT

ROBERTA BINDER HEATH

DIRECT DIAL: 814.940.8670  
FAX: 814.943.0856  
rbheath@andrewsbeard.com

January 27, 2006

Case 1:05-cv-00126-SJM Document 32-3 Filed 03/10/2006 Page 3 of 7

St. Vincent Institute  
717 State Street, Suite 16  
Erie, PA 16501

In Re: Claudette deLeon vs. Crawford Central School District  
SSN: 201-56-6669  
D.O.B.: 07/03/53

To Whom It May Concern:

Please be advised that the undersigned represents the Defendant, Crawford Central School District, in the above-referenced matter. It is my understanding that the Plaintiff, Claudette deLeon, has treated at your facility. I have enclosed a HIPAA release form executed by Ms. deLeon authorizing my firm to obtain any and all medical records relative to her care and treatment at your facility. Kindly forward copies of any and all medical records you have in this regard. I would ask that you provide these records as soon as possible given that litigation is pending in this case.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Roberta Binder Heath

RBH/pk  
Enclosure  
xc: Caleb Nichols, Esq. (w/o enc.)

[www.andrewsbeard.com](http://www.andrewsbeard.com)

3366 LYNNWOOD DRIVE PO Box 1311 ALTOONA, PENNSYLVANIA 16603-1311 814.943.3304 FAX 814.943.3430  
OFFICES ALSO LOCATED IN JOHNSTOWN, PA

# ANDREWS & BEARD

LAW OFFICES

ROBERTA BINDER HEATH

DIRECT DIAL: 814.940.8670  
FAX: 814.943.0856  
rbheath@andrewsbeard.com

DAVID P. ANDREWS  
CARL P. BEARD  
ROBERTA BINDER HEATH

PATRICK J. FANELLI  
AIMEE L. WILLETT

February 23, 2006

Case 1:05-cv-00126-SJM Document 32-3 Filed 03/10/2006 Page 4 of 7

Caleb L. Nichols, Esquire  
P.O. Box 1585  
Erie, PA 16507

**Re: de Leon v. Crawford Central School District, et al.  
United States District Court for the Western District Court of Pennsylvania  
No. 05-126E**

Dear Mr. Nichols:

In reviewing my file relative to the responses that you provided concerning our discovery request, I note that although you responded to the Request for Production of Documents, you did not specifically respond to the Interrogatories. If you do not remedy this situation by March 1, 2006, I will have no recourse but to file a Motion with the court.

Very truly yours,



Roberta Binder Heath

RBH/pk  
xc: Michael Dolecki, Supt.  
Lori Metka, School Claims Service

**ANDREWS  
& BEARD**  
LAW OFFICES

DAVID P. ANDREWS  
CARL P. BEARD  
ROBERTA BINDER HEATH

PATRICK J. FANELLI  
AIMEE L. WILLETT

ROBERTA BINDER HEATH

February 28, 2006

DIRECT DIAL: 814.940.8670  
FAX: 814.943.0856  
rbheath@andrewsbeard.com

Caleb L. Nichols, Esquire  
P.O. Box 1585  
Erie, PA 16507

Case 1:05-cv-00126-SJM

Via facsimile and Mail  
(814) 454-6247

Document 323

Filed 03/10/2006 Page 5 of 7

**Re: de Leon v. Crawford Central School District, et al.  
United States District Court for the Western District Court of Pennsylvania  
No. 05-126E – Interrogatory Responses**

Dear Mr. Nichols:

This is in follow-up to my prior correspondence to you wherein I indicated that your responses to the First Set of Interrogatories were incomplete. In addition, I continue to await any further documentation you may have in response to the Request for Production of Documents. Generally, I note that you continually refer to other arbitration proceedings prior to the termination proceeding concerning Ms. deLeon. Please be advised that I do not have in my possession, the transcripts of those arbitration proceedings. Despite your continuing reference to those proceedings, you failed to provide me with either copies of the transcripts or specific details. Thus, I am requesting copies of those transcripts from you. Also, the way in which you provided information allegedly responsive to my document requests is incomplete. For example, you failed to provide the complete documentation provided by your client to the PHRC. Also, it is unclear whether you are limiting your documentary evidence to the issues by providing only the limited materials in the numbered files. Please clarify.

In addition, your responses generally are incomplete and do not reference specific times, dates or the context of particular conversations, wherein you are alleging that your client was treated in an illegal or discriminatory fashion. This failure to provide detail relates to all of your responses to all of the interrogatories.

Consequently, the defense is in an awkward position as we have no details to address concerning your client's specific allegations. Therefore, I am requesting that you provide me

Caleb Nichols, Esquire  
Page 2  
February 28, 2006

with more complete responses immediately, or I will have to file a motion with the court. Please consider this letter an attempt to conciliate and come to an agreement as required by local rules prior to filing a motion to compel complete responses with the court.

Please let me know by Friday the identities of the individuals other than Messrs. *Case 1:05-cv-00126-SM* Document 32-3 Filed 03/10/2006 Page 6 of 7  
Deshner and Dolecki whom you are deposing on March 7, 2006.

Very truly yours,

*Roberta B. Heath*

Roberta Binder Heath

RBH/pk  
cc: Michael Dolecki, Supt.  
Lori Metka, School Claims Service

# ANDREWS & BEARD

LAW OFFICES

DAVID P. ANDREWS  
CARL P. BEARD  
ROBERTA BINDER HEATH

PATRICK J. FANELLI  
AIMEE L. WILLETT

ROBERTA BINDER HEATH

DIRECT DIAL: 814.940.8670  
FAX: 814.943.0856  
rbheath@andrewsbeard.com

March 3, 2006

Caleb L. Nichols, Esquire  
Case 1:05-cv-00126-SJM Document 32-3 Filed 03/10/2006 Page 7 of 7  
P.O. Box 1585  
Erie, PA 16507

Re: de Leon v. Crawford Central School District, et al.  
U.S. District Court for the Western District Court of Pennsylvania  
No. 05-126E

Dear Mr. Nichols:

In my review of the supplemental discovery responses you provided to me, again I do not believe that all documents in your client's possession have been produced, particularly, those that were provided to the PHRC. In addition, although you were kind enough to provide me with some of the transcripts from the arbitration proceedings, my specific requests concerned the arbitrations for the 1993-94 unsatisfactory evaluation/grievance proceedings and the 1994-95 unsatisfactory evaluation/grievance proceedings. I note that the documents you provided to me relative to the two grievance proceedings are inter-mixed and incomplete. You provided commingled decisions, but no hearing transcripts or exhibits from the earlier proceedings. Consequently, I do not have in my possession the transcripts from these proceedings. I would request that you remedy this situation as soon as you can, particularly because you reference the proceedings in your discovery responses. In the interim, should I have any specific document requests, I will let you know.

I faxed you comparative data today concerning minority hirings at the District. At Monday's deposition, I will provide the limited documents I received in response to the PSEA subpoena.

Thank you.

Very truly yours,



Roberta Binder Heath

RBH/pk  
xc: Michael Dolecki, Superintendent  
Lori Metka, School Claims Services

[www.andrewsbeard.com](http://www.andrewsbeard.com)

3366 LYNNWOOD DRIVE PO Box 1311 ALTOONA, PENNSYLVANIA 16603-1311 814.943.3304 FAX 814.943.3430  
OFFICES ALSO LOCATED IN JOHNSTOWN, PA